IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6818 OF 2005

Radhakrishna Sahakari Dudh Vyavsaik and
Krishi Purak Seva Sanstha Maryadit : Petitioner

V/s.

The Assistant Provident Fund Commissioner
and Recovery Officer : Respondent

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Mr.M.S.Topkar for the petitioner.

Mr.Suresh Kumar for the respondent.

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CORAM : S.A. BOBDE, J.

October 21, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Suresh Kumar for the respondent waives service of rule.

Heard by consent.

2. The ex parte order dated 28.7.2004 is hereby set aside. For the reasons stated in the petition, the matter is remitted back to the Asstt. Provident Fund Commissioner, Kolhapur. The learned Asstt. Provident

Fund Commissioner shall decide the matter within a period of four weeks from the date the petitioner appears before him. The petitioner is directed to appear before the Asstt. Provident Fund Commissioner on 14.11.2005. The attachment of the petitioner's account shall continue, pending decision.

3. The rule is made absolute in the above terms.

S.A. BOBDE, J.